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PATENT
5760-13700/VRTS-0377

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/738,431

Filed: December 17, 2003

Inventors:

Slaughter, et al.

Title: OVERLAY NETWORK WITH EFFICIENT ROUTING AND RECOVERY

§ Examiner: Unknown
§ Group/Art Unit: 2124
§ Atty. Dkt. No: 5760-13700

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

B. Noël Kivlin

Printed Name

signature

8-05

Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests consideration of the references listed on the attached Form PTO-1449 and/or the additional information identified below in paragraph 3.

- Pursuant to CFR §1.98(a)(2)(i), copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed.
- A copy of each non-U.S. patent and/or non-U.S. patent application publication reference listed on the Form PTO-1449 is enclosed.
- The non-U.S. patent and/or non-U.S. patent application publication references listed on the Form PTO-1449 were previously cited in application serial no. _____ to which the captioned application is seeking priority under 35 U.S.C. §120; therefore, a copy of each reference is not enclosed.

1. This Information Disclosure Statement is submitted:

- a. within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;
 before the mailing date of a first Office Action on the merits; or
 before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

- b. after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: the certification of paragraph 2 below is provided, or a fee of \$180.00 is enclosed.

- c. after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement;
- that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement; or
- that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three (3) months prior to the filing of the Statement.

3. Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

- reference is made to an English language translation submitted herewith, and/or
- reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or

- reference is made to the concise explanation set forth below:
- 5. Applicant also offers the following comments for the Examiner's consideration:
- 6. Also enclosed is a copy of a foreign search report citing these references.
- 7. The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
- 8. Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5760-13700/BNK.

Respectfully submitted,



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Date: 8/18/05



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| Form PTO-1449 (modified) List of Patents and Publications For Applicant's Information Disclosure Statement (Use several sheets if necessary) | | ATTY. DKT. NO. 5760-13700 APPLICANT: Slaughter, et al. FILING DATE: December 17, 2003 | SERIAL NO. 10/749,267 GROUP: 2124 | | |
|---|--|---|--------------------------------------|--|--|

U.S. PATENT DOCUMENTS

| EXAM. INITIALS | REF. DES. | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.

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FOREIGN PATENT DOCUMENTS

| EXAM. INITIALS | REF. DES. | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES/NO |
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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | A27 | Stoica, et al "Chord: A Scalable Peer-to-peer Lookup Service for Internet Applications," <i>ACM SIGCOMM 2001</i> , San Diego, CA, August 2001, pp. 149-160. |
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| | A29 | Kubiatowicz, et al "OceanStore: An Architecture for Global-scale Persistent Storage" <i>Proceedings of ACM ASPLOS</i> , November 2000. |
| | A30 | Adya, et al; "FARSITE: Federated, Available, and Reliable Storage for an Incompletely Trusted Environment"; <i>Proceedings of the 5th OSDI</i> , December 2002. |
| | A31 | Garces-Erice, et al; "Hierarchical Peer-to-Peer Systems," In the Special issue of the <i>Parallel Processing Letters</i> (PPL), December 2003, Vol.13, No. 4. |
| | A32 | "Lustre Whitepaper Version 1.0" Cluster File Systems, Inc., Nov. 11, 2002. |
| | A33 | "Large Scale Peer-to-Peer Experiments with Virtual Private Community (VPC) Framework," Iwao, et al., CIA 2002, LNAI 2446, pp. 66-81, 2002. |
| | A34 | "BestPeer: A Self-Configurable Peer-to-Peer System," Ng, et al, Department of Computer Science, National University of Singapore, pp. 1-21. |

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DATE CONSIDERED:

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